GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Education - Universities - To seek approval of Government for appointment of contractual faculty and for starting any new course even under self-financed category – Instructions -Issued.

HIGHER EDUCATION (UE) DEPARTMENT

G.O.Rt.No.167. Dated 04/11/2022

Read the following:

1. AP Universities Act, 1991 and other Acts of the Public Universities in the State
2. The Andhra Pradesh (regulation of appointments to public services and rationalization of staff pattern and pay structure) Act, 1994 (Act No.2 of 1994)
3. GO.Ms.No.46, Higher Education (U.E)Dept.,dated26.07.2017.
4. G.O.Ms.No.40, Finance (HR-IPlg.&Policy) Dept, dated:18.06.2021.

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ORDER:-

Under respective Acts of the Universities read above, the Universities have been given general autonomy subject to framing Regulations, Ordinances and Statues as per the provisions of the respective Acts of the Universities.

2. Nevertheless, such powers are given subject to certain restrictions in the financial matters, particularly, without the prior approval of the Government, the Universities shall not divert earmarked funds for other purposes or upgrade any post or revise the scales of pay of its staff or implement any scheme which involves any matching contribution from the Government or create a post or posts resulting in a recurring liability on the Government either immediately or in future.

3. Further, the Government has enacted "the Andhra Pradesh (regulation of appointments to public services and rationalization of staff pattern and pay structure) Act, 1994 (Act 2 of 1994) to regulate appointments and prohibit irregular appointments. Some of the key provisions of the said Act w.r.t. regulation of appoints to public services extracted below:

(PTO)

• CLAUSE (VI) (d) OF SECTION 2:

"(vi) "Public Services for the purposes of this Act" means, services in any office or establishment of:-

....

(d) a body established under any law made by the Legislature of the State whether incorporated or not including a University;

(e)..."

• SECTIONS 3, 10, 13 & 17:

"3. Prohibition of daily wage appointments and regulation of temporary appointments – (1) The appointment of any person in any public service to any post, in any class, category or grade as a daily wage employee is hereby prohibited.

(2) No temporary appointment shall be made in any public service to any post, in any class, category or grade without the prior permission of the competent authority and without the name of the concerned candidate being sponsored by the Employment Exchange."

"**10. Creation of Posts** – (1) No post shall be created in any office or establishment relating to a public service without the previous sanction of the competent authority.

(2) Any appointment made to any post created in violation of sub-section (1) shall be invalid and the provisions of sections 5, 6 and 7 shall mutatis mutandis apply to such appointments."

"**13. Offences and Punishments** - (1) Any person or authority who contravenes the provisions of this Act shall apart from the penalties otherwise provided for, be punishable with imprisonment for a term which shall not be less than six months and which may extend upto two years and also with fine which shall not be less than five thousand rupees but which may extend upto ten thousand rupees."

(Contd p 3)

> **"17. Act to override other Laws** - The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force or any judgement, decree or order of any court, tribunal or other authority."

4. It is observed that the Universities have been starting some new courses not in compliance with the instructions issued vide the GO 3rd read above on self-financed courses and also appointing contractual staff for existing or new courses without prior approval of the Government despite the contractual appointments are specifically barred by various orders of the Government including the GO 4th read above. As per the said GO, payments to the contractual employees working in various Government Departments including Universities shall be governed by specific conditions. More particularly, the clauses (d) & (e) of para 7 (A)of the GO 4th read above read as follows:

> "d) The extension of minimum of time scale is applicable to those contractual employees who have been appointed against vacant sanctioned posts and for those who have been appointed by the specific Government orders have been issued with the concurrence of Government in Finance department.
>
> e) No further recruitment shall be made on contractual basis without prior approval of the Government in Finance Department. For any appointment in deviation, disciplinary proceedings shall be initiated against the appointing authorities and severe penalties under A.P. C.C.A. Rules, 1991, will be initiated and the appointments made irregularly shall be cancelled. The salary bills of such irregular appointees shall not be admitted in the audit."

5. Since the Government is implementing various scholarship and welfare schemes for all the eligible students admitted through online admissions across all higher educational institutions, introduction of new courses even under self-financed category ultimately increases the uncertain responsibility on the State Government.

6. Additionally, over a period of time self-financed courses are becoming unviable or obsolete and the contractual appointments made have become a liability on the Government without any utility. Additionally, the rising demands of contractual employees for regularization / Minimum Time Scales are resulting in a recurring liability on the Government either immediately or in future.

(Contd.. p 4)

7. Also, it is brought to the notice of the Government that at times University Authorities including the Executive Councils of the Universities have the tendency to pass certain proceedings/resolutions against the policies of the Government issued in public interest. Such violations, if done, will be viewed seriously and all the concerned Officials will be held responsible for such lapses.

8. Furthermore, in view of various of orders of the Government issued from time to time such as the GOs 3rd & 4th read above, the Universities are directed to seek prior approval of the Government before starting any new regular/self-financed course and for any contractual appointments even for the self-financed courses until further orders in the matter.

9. Violation of the above instructions will be viewed seriously and further necessary actions such as disciplinary proceedings shall be initiated against the concerned authorities, without further notice, for severe penalties under applicable Rules. Also, the appointments made irregularly shall be cancelled and the salary bills of such irregular appointees shall not be admitted in the audit as stated in the G.O.4th read above.

10. Therefore, Registrars of the Universities in the state are requested to take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. SYAMALA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

To
All Registrars of Universities in the State
The Secretary, A.P. State Council of Higher Education, Mangalagiri.
Copy to :
The OSD to Minister for Education.
The P.S. to Prl.Secy. to Govt., Higher Education Department
The A.G., AP, Vijayawada.
The PAO, AP, Ibrahimpatnam.
The Director of Treasuries & Accounts, Ibrahimpatnam
SF/SC.

// FORWARDED :: BY ORDER//

SECTION OFFICER